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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,732	12/05/2001	Jason A. Davidson	10559-547001	6111

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EXAMINER

DANG, THANH HA T

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,732

Applicant(s)

DAVIDSON ET AL.

Examiner

Thanh-Ha Dang

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/05/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are rejected in this Office Action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10, 21-26, 27-28, and 29-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-10 are rejected because the claimed invention is directed to non-statutory descriptive material per se. The claimed invention is not supported by either a tangibly embodied on or in some form of computer readable medium.

Claims 21-26 are rejected because the claimed invention is directed to non-statutory subject matter. The machine-readable medium stated in claim 21 refers to an intangible media such as signal (specification, page 18 [0054]).

Claims 27-28 and 29-30 are rejected because the claimed invention is directed to non-statutory subject matter, which is program per se. The claims describe instruction code, which is directed to a mere program that is not a physical thing and therefore is non-statutory.

See MPEP 2106, section IV.B and IV.B.1(a).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,584,459 issued to Chang et al. ("Chang").

As to claim 1, Chang teaches "a method comprising:

- designating tags that specify data semantics to be used in storing information in a text file using a relational database model" (Figures 8, 9 and 11 illustrates the designating tags to be used in storing information in a text file using a relational database model); and
- "creating a programming interface that enables access to the text file as a relational database, the programming interface including a procedure call

format representing a declarative statement" (Figures 1-3 and 7, wherein block100 and block200 represent a programming interface, column 3, lines 48-60 and column 4, lines 8-10).

As to claim 2, Chang teaches "the tags comprise data domain generic tags" (Figures 8 and 9 illustrate the tags which comprise data domain generic tags).

As to claim 3, Chang teaches "the tags comprise data domain specific tags" (Figure 11 illustrates the tags which comprises data domain specific tags).

As to claim 4, Chang teaches "the procedure call format specifies a plurality of inputs of a character string type for a procedure" (column 21, lines 40-55 and column 23, lines 5-15).

As to claim 5, Chang teaches "the inputs comprise a subset of the tags, and output data from the procedure does not include the tags" (column 21, lines 40-55 and column 23, lines 5-15).

As to claim 6, Chang teaches "the procedure call format supports one or more relational database operations, which include a select operation, an update operation, an add operation, an insert operation, and a delete operation" (Figure 7, column 6, lines 28-37 and column 23, lines 5-15 and lines 22-38).

As to claim 7, Chang teaches "the represented declarative statement corresponds to a relational database query protocol standard" (column 6, lines 38-45 and column 21, lines 40-55).

As to claim 8, Chang teaches "the text file comprises plain text in American Standard Code for Information Interchange format" (column 5, lines 15-49, wherein encoding UTF-8 format is equivalent to ASCII format).

As to claim 9, Chang teaches "the plain text conforms to version 1.0 of Extensible Markup Language" (column 5, lines 15-49).

As to claim 10, Chang teaches "the relational database query protocol standard is International Standard 9075:1992" (column 6, lines 38-41. The protocol standard is cited in specification as prior art example (p.5[0018]); see reference in U.S.Patent No.5,956,706 background section).

As to claim 11, Chang teaches "a machine-implemented method comprising:

- managing a text file as a relational database, the text file comprising tags specifying data semantics" (Figures 1-3 and 7, column 3, lines 48-60; Figures 8, 9 and 11 illustrates the tags to be used in storing information in a text file using a relational database model); and
- "providing an application program interface including a procedure call for accessing the relational database" (Figures 1-3 and 7, column 3, lines 48-67 and column 4, lines 1-15).

As to claim 12, Chang teaches "the tags comprise data domain specific tags" (Figure 11 illustrates the tags which comprises data domain specific tags).

As to claim 13, Chang teaches "the procedure call comprises a high-level language procedure call having a procedure call format representing a

declarative statement” (column 6, lines 41-45, column 21, lines 40-55 and column 23, lines 5-15).

As to claim 14, Chang teaches “the procedure call format specifies a plurality of inputs of a character string type for a procedure” (column 21, lines 40-55 and column 23, lines 5-15).

As to claim 15, Chang teaches “the inputs comprise a subset of the tags, and output data from the procedure does not include the tags” (column 21, lines 40-55 and column 23, lines 5-15).

As to claim 16, Chang teaches “the procedure call supports one or more relational database operations, which include a select operation, an update operation, an add operation, an insert operation, and a delete operation” (Figure 7, column 6, lines 28-37 and column 23, lines 5-15 and lines 22-38).

As to claim 17, Chang teaches “the procedure call has a format corresponding to a relational database query protocol standard” (column 6, lines 38-45 and column 21, lines 40-55).

As to claim 18, Chang teaches “the text file comprises plain text in American Standard Code for Information Interchange format” (column 5, lines 15-49, wherein encoding UTF-8 format is equivalent to ASCII format).

As to claim 19, Chang teaches “the plain text conforms to version 1.0 of Extensible Markup Language” (column 5, lines 15-49).

As to claim 20, Chang teaches “the relational database query protocol standard is International Standard 9075:1992” (column 6, lines 38-41. The

protocol standard is cited in specification as prior art example (p.5[0018]); see reference in U.S.Patent No.5,956,706 background section)

As to claim 21, Chang teaches "a machine-readable medium embodying information indicative of instructions for causing one or more machines to perform operations comprising:

- making information stored in a text file comprising tags specifying data semantics corresponding to a relational database model available through a procedure call interface" (Figures 1-3, 7-9 and 11, column 3, lines 48-60);
- "receiving from an application a relational database request using the procedure call interface" (Figures 1-3 and 7, column 7, lines 26-67 and column 8, lines 1-43); and
- "returning data from the text file corresponding to the relational database request" (Figures 1-3 and 7, column 7, lines 26-67 and column 8, lines 1-43).

As to claim 22, Chang teaches "the procedure call interface comprises a high-level language procedure call having a procedure call format representing a declarative statement" (column 6, lines 41-45, column 21, lines 40-55 and column 23, lines 5-15).

As to claim 23, Chang teaches "the procedure call interface supports one or more relational database operations, which include a select operation, an

update operation, an add operation, an insert operation, and a delete operation” (Figure 7, column 6, lines 28-37 and column 23, lines 5-15 and lines 22-38).

As to claim 24, Chang teaches “the procedure call has a format corresponding to a relational database query protocol standard” (column 6, lines 38-45 and column 21, lines 40-55).

As to claim 25, Chang teaches “the text file comprises plain text in American Standard Code for Information Interchange format, and wherein the plain text conforms to version 1.0 of Extensible Markup Language” (column 5, lines 15-49, wherein encoding UTF-8 format is equivalent to ASCII format).

As to claim 26, Chang teaches “the relational database query protocol standard is International Standard 9075:1992” (column 6, lines 38-41. The protocol standard is cited in specification as prior art example (p.5[0018]); see reference in U.S.Patent No.5,956,706 background section).

As to claim 27, Chang teaches “a system comprising:

- a text file to store data using tags specifying data semantics corresponding to a relational database model” (Figures 1, 3, 8-9 and 11, wherein block500 illustrates the claimed invention, column 3, lines 48-60); and
- “an application program interface that enables a database aware application to access data stored in the text file using one or more relational database operations including a select operation, an update operation, an add operation, an insert operation, and a delete operation”

(Figures 1 and 7, column 3, lines 48-60 and lines 65-57, column 6, lines 28-37 and column 23, lines 5-15 and lines 22-38).

As to claim 28, Chang teaches "the one or more relational database operations conform to a relational database query protocol standard, and wherein the text file conforms to version 1.0 of Extensible Markup Language" (column 5, lines 15-49).

As to claim 29, Chang teaches "a system comprising:

- means for storing data in a text file using tags specifying data semantics corresponding to a relational database model" (Figures 1, 3, 8-9 and 11, wherein block500 illustrates the claimed invention, column 3, lines 48-64); and
- "means for enabling a database aware application to access data stored in the text file using one or more relational database operations including a select operation, an update operation, an add operation, an insert operation, and a delete operation" (Figure 7, column 3, lines 48-60 and lines 65-67, column 6, lines 28-37 and column 23, lines 5-15 and lines 22-38).

As to claim 30, Chang teaches "the one or more relational database operations conform to a relational database query protocol standard, and wherein the text file conforms to version 1.0 of Extensible Markup Language" (column 5, lines 15-49).

Art Unit: 2163


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh-Ha Dang
Examiner
Art Unit 2163


ALFORD KINDRED
PRIMARY EXAMINER